

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: BANKRUPTCY NO. 10-26552-TPA

RAY G. ANTHONY,
Debtor(s). Chapter 7

ROBERT SHEARER, Trustee,
Movant, Related to Motion to Sell at Doc. No. 307

v.

RAY G. ANTHONY and JOAN
ANTHONY, his Wife; UNITED STATES
OF AMERICA, INTERNAL REVENUE
SERVICE; COMMONWEALTH OF
PENNSYLVANIA, DEPARTEMENT OF
REVENUE, JEFFERSON HILLS
BOROUGH; KING & BALLOW; and
PATRICIA ROSS,
Respondents.

**ORDER CONFIRMING SALE OF PROPERTY
FREE AND DIVESTED OF LIENS**

AND NOW, this 21st day of December, 2015, on consideration of the Trustee's Motion for Sale of Property Free and Divested of Liens filed at Document No. 307, to BLAIRSVILLE HOLDINGS, LLC, c/o Laurence A. Neish, 142 James Place, Pittsburgh, PA 15228, for \$185,000.00, after hearing held in Courtroom C, 54th Floor, U.S. Steel Building, 600 Grant Street, Pittsburgh, PA, on December 18, 2015, the Court finds:

THAT THE Sale is duly brought in accordance with a settlement of Adversary Proceeding Number 14-2158-TPA that had been filed in the United States Bankruptcy Court for the Western District of Pennsylvania, as more particularly set forth in the MOTION TO APPROVE SETTLEMENT ("Settlement Motion") and exhibits thereto filed at Doc. No. 62 in that Adversary Proceeding. The Settlement was approved by Order of Court filed at Doc. No. 68 in that Adversary Proceeding ("Settlement Approval Order") on August 31, 2015. The Settlement Motion and Settlement Approval Order are incorporated herein in their entirety. Both RAY G. ANTHONY and JOAN ANTHONY, his Wife, are voluntary parties to this sale in accordance with and pursuant to the Settlement Motion, the Settlement Agreement attached as Exhibit "A" to the Settlement Motion, and the Settlement Approval Order. Accordingly, their interests in the Property to be sold may be sold with all proceeds of the sale going to the Estate free of any claim of RAY G. ANTHONY or JOAN ANTHONY.

The Court further finds:

(1) That service of the Notice of Hearing and Order setting hearing on said Motion for private sale of real property free and divested of liens of the above named Respondents, was effected on the following secured creditors whose liens are recited in said Motion for private sale, viz:

DATE OF SERVICE
(actual date of service
for each creditor)

NAME OF RESPONDENT /LIENOR AND SECURITY
(Identify full name of each creditor in separate paragraphs
with specifics of each claim, including filing information)

November 19, 2015

Joan Anthony
301 Meadowlark Drive
Uniontown, PA 15401

Ray G. Anthony
375 Wray Large Road
Clairton, PA 15025

Robert O. Lampl
960 Penn Avenue, Suite 1200
Pittsburgh, PA 15222

November 19, 2015

Internal Revenue Service:

FTL-14-001304 (Allegheny County, PA)
FTL-14-001472 (Allegheny County, PA)
79-14 FTL (Fayette County, PA)
78-14 FTL (Fayette County, PA)

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101

US Attorney's Office
Western District of Pennsylvania
633 US Post Office & Courthouse
Grant Street
Pittsburgh, PA 15219

Attorney General of the US
Civil Division, Bankruptcy Section
US Department of Justice
Washington, DC 20530

Internal Revenue Service
1000 Liberty Avenue, Room 705
Pittsburgh, PA 15222

November 19, 2015

King & Ballow

GD-15-008066 (Allegheny County)
1127-15 DSB (Fayette County)

King & Ballow
315 Union St
Suite 1100
Nashville, TN 37201

Ronad Hicks, Jr.
Meyer, Uncovic & Scott
1300 Oliver Bldg
Pittsburgh, PA 15222

November 19, 2015

Jefferson Hills Borough

DTD-03-074440 (Allegheny County)

Jefferson Hills Borough
Attn: Josephine Lipnicky, Tax Collector
925 Old Clairton Rd, 1st Floor
Jefferson Hills, PA 15025

November 19, 2015

Patricia Ross

2014 OF 2010 DSB (Fayette County)

Patricia Ross
3200 N.E. 59th Street
Fort Lauderdale, FL 33308

Gregg W. McClosky
Kristin J. Mentzer
McClosky, D'Anna & Dieterle, LLP
2300 Glades Road
Suite 400- East Tower
Boca Raton, FL 33431

Gregg W. McClosky
Kristin J. Mentzer
McClosky, D'Anna & Dieterle LLP
150 East Palmetto Park Road
Suite 800
Boca Raton, FL 33432

Kristin J. Mentzer
2300 Glades Road
Suite 400 East Tower
Boca Raton, FL 33431-8540

Geil S. Bilu
2700 West Atlantic Blvd
Suite 204
Pompano Beach, FL 33069

November 19, 2015

Pennsylvania Department of Revenue

Pennsylvania Dept. of Revenue
Department 280946
P.O. Box 280946
ATTN: BANKRUPTCY DIVISION
HARRISBURG, PA 17128

Robert C. Edmundson, Esquire
Office of the Attorney General
564 Forbes Avenue
Manor Complex, 5th Floor
Pittsburgh, PA 15219

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of serviced duly filed and that the named parties were duly served with the Motion/Complaint.

(3) That said sale hearing was duly advertised: on the Court's website pursuant to W. PA LBR 6004-1(c)(2) on November 19, 2015; in the Herald-Standard, a daily newspaper of general circulation in Fayette County, Pennsylvania, on November 27, 2015; in the Tribune-Review, a daily newspaper of general circulation in Southwestern Pennsylvania that includes Allegheny County on November 25, 2015; in the Fayette Legal Journal, a legal journal for Fayette County on December 5, 2015; and in the Pittsburgh Legal Journal, a legal journal for Allegheny County, on November 30, 2015, has been reported to the Court and shown by the Proof of Publications duly filed and to be filed.

(4) That at the sale hearing the highest/best offer received was that of the above Purchaser(s) and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$185,000.00 offered by BLAIRSVILLE HOLDINGS, LLC (Purchaser) was a full and fair price for the property in question.

(6) That the Purchaser(s) has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d. 143 (3d Cir. 1986).

NOW THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED that the sale by Special Warranty deed of the real property (collectively, the "Property") described and identified as:

PROPERTY ADDRESS /LOCATION	TITLED OWNERS	TAX ID NUMBER	MOST RECENT DEED BOOK / PAGE
Fayette County			
324 Balsinger Road Redstone Township	Ray G. Anthony	15-28-0041	RB815 / 191
Francis Street South Union Township	Ray G. and Joan Anthony	34-19-0030	3098 / 1867
Allegheny County			
Wray Large Road Jefferson Borough	Ray G. and Joan Anthony	659-P-10	BK-DE VL-14022 PG-1
Wray Large Road Jefferson Borough	Ray G. and Joan Anthony	766-B-80	BK-DE VL-13989 PG-295
Wray Large Road Jefferson Borough	Ray G. and Joan Anthony y	766-B-99	BK-DE VL-13990 PG-117
Wray Large Road Jefferson Borough	Ray G. and Joan Anthony	766-B-120	BK-DE VL-13990 PG-128
Wray Large Road Jefferson Borough	Ray G. and Joan Anthony	766-G-1	BK-DE VL-13990 PG-117
Wray Large Road Jefferson Borough	Ray G. and Joan Anthony	766-L-260	BK-DE VL-13990 PG-133

is hereby CONFIRMED to Purchaser BLAIRSVILLE HOLDINGS, LLC, for \$185,000.00, free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to the Purchaser above named the necessary deed(s) and/or other documents required to transfer title to the property from RAY G. ANTHONY and JOAN ANTHONY, his Wife, to the approved purchaser, upon compliance with the terms of sale;

It is FURTHER ORDERED that in accordance with the terms of sale, the sale of the Property is in "AS IS", "WHERE IS" condition, without representations or warranties of any kind whatsoever, and the participation of the purchaser in the sale process constitutes an agreement and representation that the Purchaser has inspected the Property, and is purchasing the same solely on the basis of such inspections, and not as the result of any representation of any kind whatsoever by the Movant, the Estate or their agents.

It is FURTHER ORDERED, that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

It is FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions,

including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Movant pending further Order of this Court after notice and hearing.

- (1) Current real estate taxes, pro-rated to the date of closing;
- (2) One-half of the Transfer Taxes;
- (3) Any other costs incurred at closing that are typically the obligation of a seller of real property in Allegheny County unless otherwise allocated to Purchaser under the terms of sale; and
- (4) The balance of funds realized from the within sale shall be held by the Trustee until further Order of Court, or approval of Trustee's Final Report and Proposed Distribution.

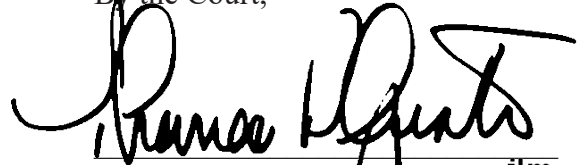
It is FURTHER ORDERED, that notwithstanding the terms of the Sale, as set forth in the Motion to Sell and Purchase and Sale Agreement, the Trustee may, in his discretion, pay the Estate's portion of real estate taxes and municipal liens in excess of the \$15,000 cap.

It is FURTHER ORDERED that:

- (1) Within seven (7) days of the date of this Order, the Movant shall serve a copy of the within Order on each Respondent/Defendant (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.
- (2) Closing shall occur within thirty (30) days of this Order. The stay imposed by Bankruptcy Rule 6004(h) is waived.
- (3) Within seven (7) days following closing, the Movant shall file a Report of Sale which shall include a copy of the HUD-1 or other Settlement Statement; and,
- (4) This Sale Confirmation Order survives any dismissal or conversion of the within case.
- (5) In the event of the failure of the Purchaser to remit payment in full within the required time frame, (or such extensions, not to exceed 30 days as the Trustee, in his sole and exclusive discretion, may accord to the Purchaser) the Trustee may, at his option, declare a default, retain the deposit for the benefit of the Estate, and

upon Motion filed with the Court, and Order issued thereon pursuant to this Paragraph, sell the Property to the next highest bidder at the December 18, 2015, Sale Hearing.

By the Court,

A handwritten signature in black ink, appearing to read "Thomas P. Agresti", written over a horizontal line.

Thomas P. Agresti, Judge jlm
United States Bankruptcy Court